

REMARKS

This response is fully responsive to the August 14, 2002 office action. Claims 1-20 are canceled and will be filed in a divisional application upon allowance of the remaining claims 21-34, to address the requirement for restriction. Upon entry of the amendments, claims 21-34 are pending, with claim 21 being independent. Inventorship remains the same for these remaining claims.

Claim Rejections - 35 USC § 103

Claims 21-24, 26-28 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,734,337 ("Kupersmit") and U.S. Patent No. 5,396,429 ("Hanchett"). The Examiner argues that Kupersmit has all the features of these claims except for the relay unit and that Hanchett then teaches this excepted feature. Applicants respectfully disagree. Applicants further believe that Kupersmit and Hanchett do not render any of claims 21-24 and 26-28 *prima facie* obvious, as explained below.

The following is a quotation from the MPEP setting forth the three basic criteria that must be met to establish a *prima facie* case of obviousness:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

MPEP, § 2142, citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 21 is amended to clearly recite that the system is an event system and that it includes one or more mobile sensing units attached with participants of the event, as clearly

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supported by FIG. 1A- FIG. 1D and FIG. 2A-FIG. 2D, and associated text. The sensing unit may attach to a person or to a vehicle ridden by the person, for example. A “performance metric” as described in Applicants’ specification includes a characteristic such as airtime, g-force, spin, rotation, drop distance, acceleration, flip information, scraping information, etc., as described on pages 4-5.

With regard to Kupersmit and Hanchett, Kupersmit teaches a vehicle speed monitoring system. Kupersmit does not teach many elements of claim 21, including “performance metrics,” the relay unit, and mobile sensing units. Specifically, Kupersmit teaches a camera-based vehicle speed monitoring system; there is no remote sensor attached to anything that moves; the system is fixed and remotely observes moving vehicles. Hanchett also fails to teach the elements of claim 21, including the mobile sensing units and the “performance metrics.” Specifically, Hanchett teaches a traffic condition information system. The Hanchett system has fixed speed sensors 14 and mobile receiver units 18 that enable a user to “view” upcoming traffic. See Hanchett Figure 2 for fixed speed sensor illustration; see also col. 6, lines 53-66 for description of mobile receivers.

Clearly, Kupersmit and Hanchett do not teach the system elements of claim 21. First and foremost, 35 USC §103 requires that the cited art “must teach or suggest all the claim limitations.” Since this is not met, claim 21 is allowable.

Moreover, 35 USC §103 also requires some motivation to combine and/or Kupersmit and Hanchett. This is not shown, as Kupersmit and Hanchett do not teach similar elements to Applicants’ claim 21. Moreover, there is no suggestion in either Kupersmit or Hanchett to modify the teachings to render Applicants’ claim 21. Since the teachings of Kupersmit and Hanchett are so different – i.e., they do not teach, at all, things like “performance metrics” and relaying performance metrics via mobile sensing units – it is not reasonable to modify Kupersmit and Hanchett to render Applicants’ claim 21.

Finally, it is worth noting that Kupersmit and Hanchett are not analogous art to Applicants’ claims 21-34. Traffic management and automobile speed systems (i.e., Kupersmit and Hanchett) are not reasonably related to performance metrics of participants in an event.

Reconsideration and allowance of claim 21 is requested.

Claims 22-24 and 26-28 depend from claim 21 and benefit from like arguments, as well as additional patentable and narrowing features. For example, claim 24 recites an “event area” – this is not disclosed in or analogous to anything taught within Kupersmit and Hanchett. Claim 26 similarly recites a scoreboard – a feature absolutely absent from Kupersmit and Hanchett.

We are uncertain as to the Examiner’s comment about “half pipe” and “half pipe driver”. The half pipe claimed by Applicants’ in claim 25 is a snowboard half pipe – not an electronic device.

Reconsideration and allowance of claims 22-24, 26-28 are requested.

Claims 29-30 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,734,337 (“Kupersmit”), U.S. Patent No. 5,396,429 (“Hanchett”) and in view of U.S. Patent No. 6,163,021 (“Mickelson”). The Examiner again argues that Kupersmit and Hanchett have all the features of claim 21 (which we disagree, per above arguments) and that Mickelson then teaches rotational features. Applicants respectfully disagree. Applicants further believe that Kupersmit, Hanchett and Mickelson do not render any of claims 29-30 *prima facie* obvious, as explained below.

More particularly, Kupersmit and Hanchett do not teach claim 21. Their combination with Mickelson adds little to render claim 21 with claims 29-30. Mickelson concerns a navigation system for spinning projectiles; it is not analogous art and also fails to recite the key elements of claim 21: performance metric, relay units, mobile sensing units, etc.

The cited references absolutely fail to disclose the elements of claim 21; they therefore fail to teach elements of claims 28-29. They must teach these elements or fail 35 USC §103. The omission of an element – e.g., mobile sensing units and performance data – is an indicia of non-obviousness. *See MPEP 2144.04*. Neither is it “obvious to one of ordinary skill” to modify these references and Applicants specifically request evidence in the prior art to render claim 21; we contend this cannot be done without hindsight. Reconsideration and allowance of claims 29-30 are requested.

Claim 25 stands rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,734,337 (“Kupersmit”), U.S. Patent No. 5,396,429 (“Hanchett”) and in view of U.S. Patent No. 5,993,335 (“Eden”). The Examiner again argues that Kupersmit and Hanchett have all the features of claim 21 (which we disagree, per above arguments) and that Eden then teaches a

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half-pipe. Applicants respectfully disagree. Applicants further believe that Kupersmit, Hanchett and Eden do not render claim 25 *prima facie* obvious, as explained below.

Eden does not teach any electronics; it instead teaches a type of hockey arena. Eden cannot, therefore, render any element of claim 21. Claim 25 depends from claim 21. Furthermore, Kupersmit and Hanchett teach neither the elements of claim 21, nor claim 25. Claim 25 should be allowable, and reconsideration is requested.

For the reasons discussed above, Applicants believe that amended claims 21-34 are non-obvious in view of the cited references; their reconsideration and allowance are requested.

The \$205.00 fee for a two-month extension has been submitted. It is believed no additional fee is due. If any additional fee is due, please charge Deposit Account No. 12-0600.

Respectfully submitted,

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Marked Up Set of Claims

21. (Once amended) An event system comprising:

a base station for displaying at least one performance metric;
one or more mobile sensing units for attachment with participants in a competitive event; and
at least one relay unit for receiving data representing the at least one performance metric from
[a]the sensing units and for transmitting said received data to the base station.

22. (Once amended) The system of claim [20]21, further comprising at least one camera
for capturing at least one image and sending data representing said at least one image to the base
station.

23. (Once amended) The system of claim [20]21, wherein the at least one relay unit
includes at least two relay units.

26. (Once amended) The system of claim [20]21, wherein the base station displays the
at least one performance metric on a scoreboard.